



<p>Relevant Legislation / Related information</p>	<ul style="list-style-type: none"> • Children's Guardian Act 2019 (NSW) • Child Protection (Working with Children) Act 2012 • Children and Young Persons (Care and Protection) Act 1998 • Registered and Accredited Individual Non-government Schools (NSW) Manual - November 2022 (educationstandards.nsw.edu.au) - 3.6.2 • Reportable conduct fact sheet NSW • Mandatory reporting policy NSW
<p>Related school policies <small>(Including but not limited to)</small></p>	<ul style="list-style-type: none"> • Staff Code of conduct • Investigations policy and procedure • Work Health and Safety policy • Mandatory Reporting policy and procedure • Complaints policy • Whistleblower policy and procedure
<p>Review Cycle</p>	<p>Biennial</p>
<p>Authorisation / date</p>	<p>Principal 28/4/2023</p>
<p>Feedback</p>	<p>Principal - Darren McPartland d.mcpartland@stpetersbroulee.nsw.edu.au</p>
<p>Accessible</p>	<p><input checked="" type="checkbox"/> Staff (Policy & procedure) <input checked="" type="checkbox"/> External Homepage (Policy only)</p>

1. Commitment

This policy reflects the commitment of St Peter's Anglican College, Broulee (SPAC) and its employees to the safety and wellbeing of children and young people regardless of whether the personnel are mandated reporters under the provisions of the child protection legislation in the relevant state or territory.

SPAC has zero tolerance for child abuse in all its forms. We are committed to providing child safe environments where children and young people feel included, valued and their voices are heard. We understand the profound and long-term impact child abuse, neglect and trauma have on the health and wellbeing of people across the lifespan. The School's commitment to child safety aligns with the expectation that all adult community members have responsibility for the protection, safety and wellbeing of children and young people. As a Faith based organisation whose interactions with

young people have the ability to identify and refer vulnerable children, we are committed to the care and protection of children.

1.1 Purpose and scope

This policy sets out the principles, obligations and processes for SPAC to investigate reportable conduct and report it to the New South Wales Office of the Children's Guardian (OCG). This document outlines the procedures to ethically and legally ensure the safety and wellbeing of all children and young people age 0-18 years.

1.2 Definitions

Child: a person under 18 years of age.

Personnel: staff, volunteers and contractors

Reportable allegation: an express assertion that reportable conduct has happened.

Reportable conviction: a conviction or finding of guilt:

- for an offence, under ACT or a State or Commonwealth law, involving reportable conduct; and
- entered against the person before or after the commencement of the *Reportable Conduct and Information Sharing Legislation Amendment Act 2016*.

Worker: All people carrying out work for the school including employees (permanent, casual, and temporary), contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

1.3 Policy

Under NSW legislation, Section 29, Children's Guardian Act 2019 (NSW), SPAC must report to the OCG any reportable allegations/convictions that employees, volunteers, contractors who provide services to children, or older students have engaged in reportable conduct (defined below). It does not matter whether the reportable conduct happened to a student or another child – any allegations which meets the legal definition of reportable conduct related to work or in a personal capacity must be reported to the OCG. The Principal's duty is to ensure that SPAC's reportable conduct obligations are met consistently and in a timely manner. This policy and procedure sets out the delegated obligations and processes.

2.1 What is reportable conduct?

Reportable conduct is different from Mandatory reporting legislation, which requires separate reporting of harm to children to the NSW Department of Communities and Justice (see Mandatory reporting policy). One of the key differences is that reportable

conduct is conduct by a school employee, volunteer or contractor against any child, while Mandatory reporting is conduct by anyone against an enrolled student.

In NSW, reportable conduct is:

- a sexual offence,
- sexual misconduct,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child,
- an offence of failing to reduce or remove risk of child becoming victim of child abuse by
- another worker, or of concealing a child abuse offence (43B or 316A of the Crimes Act 1900)
- behaviour that causes significant emotional or psychological harm to a child.

Examples might include:

- sexual assault of a child, or a child grooming offence, by a teacher or a volunteer (including before they started work/volunteering)
- a teacher or a volunteer pushing or hitting a child
- Domestic violence or assault offences committed in the presence of a child
- Allegations that a teacher or a volunteer was looking at pornography, making sexualised comments, or had sexually explicit communication with students (beyond reasonable sex education purposes).

Definitions and other examples can be found at sections 20-25 of the Children's Guardian Act 2019.

2.2 What is not reportable conduct?

Reportable conduct does not include reasonable discipline and other conduct that is appropriate under professional teaching standards.

In NSW the exact definition of what is not reportable conduct is:

- conduct that is reasonable for the purposes of discipline, management or care of a child, having regard to:
 - i. the age, maturity, health or other characteristics of the child, and
 - ii. any relevant code of conduct or professional standard, or
- the use of physical force if:
 - i. in all the circumstances, the physical force is trivial or negligible, and
 - ii. the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures.

For example, if the school receives a complaint that a teacher caused psychological harm to a child, the complaint will be assessed in line with the Reportable conduct process and the school's Complaints policy. If the investigation finds that the conduct was reasonable under professional teaching standards, or was negligible, it is not Reportable conduct.

Employees can refer to NSW Government OCG resources for more information about Reportable Conduct.